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COMBINED TRANSMITTAL OF APPEAL BRIEF TO THE BOARD OF PATENT
APPEALS AND INTERFERENCES & PETITION FOR EXTENSION OF TIME
UNDER 37 C.F.R. 1.136(a) (Large Entity)

Docket No.
872.0171.U1(US)

In Re Application Of:

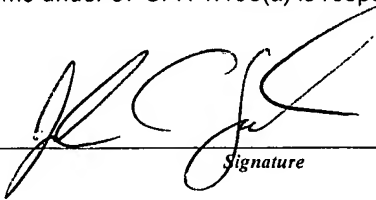
Autio et al.

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/830,192	04/21/2004	Lesperance, Jean E.	29683	2629	7733

Invention: Graphical Functions by Gestures

TO THE COMMISSIONER FOR PATENTS:

This combined Transmittal of Appeal Brief to the Board of Patent Appeals and Interferences and petition for extension of time under 37 CFR 1.136(a) is respectfully submitted by the undersigned:


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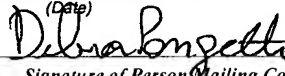
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IN THE U.S. PATENT AND TRADEMARK OFFICE

Appl. No. : 10/830,192
Applicant : Autio, et al.
Filed : April 21, 2004
TC/AU : 2629
Examiner : Lesperance, Jean E.

Docket No. : 872.0171.U1(US)
Customer No. : 29683

Title : GRAPHICAL FUNCTIONS BY GESTURES

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APPELLANT'S APPEAL BRIEF

Sir:

The Applicant/Appellant hereby submits this APPEAL BRIEF to the Board of Patent Appeals and Interferences. As this APPEAL BRIEF is filed outside the shortened statutory period for reply. Please consider this as a petition for an extension of time necessary to effect this Response A draft in the amount of \$120 is included for an extension of time fee. However, should the undersigned attorney be mistaken as to time or fees, please consider this a petition for an additional extension of time under 37 C.F.R. § 1.136(a) or (b) that may be required to avoid dismissal of this appeal, and debit Deposit Account No. 50-1924 as appropriate.

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(1) REAL PARTY IN INTEREST

The real party in interest (RPI) is Nokia Corp of Espoo, Finland; parent company of the Assignee Nokia Mobile Phones, Ltd.

(2) RELATED APPEALS AND INTERFERENCES

There are no other pending appeals or interferences of which the undersigned representative and Applicant/Appellant is aware that will directly affect, be directly affected by or have a bearing on the Board's decision in this appeal.

(3) STATUS OF CLAIMS

An after-final amendment was entered. Claims 1, 3-13, 15-22, and 28-29 are pending in this appeal.

This application was filed on April 4, 2004 with twenty six claims. In response to an Office Action dated June 20, 2007, the Applicant amended the specification, amended claims 1, 7, 13, and 21, cancelled claims 23-26, and added claims 27-30. In response to a final Office Action dated August 27, 2007, the Applicant filed an after-final amendment dated November 21, 2007 which made arguments and amended claims 1, 3, 13, 15, 21-22, and 28 with subject matter of cancelled claims 2, 14, and 30. An Advisory Action dated December 27, 2007 recited that the after-final amendment was entered but did not place the application in condition for allowance. The claims of the after-final amendment, as entered by the Advisory Action are reproduced in an Appendix hereto (section 8).

(4) STATUS OF AMENDMENTS

The claims submitted in the after-final amendment dated November 21, 2007 are entered by the Advisory Action dated December 27, 2007. No amendments have been submitted or entered since then.

(5) SUMMARY OF THE CLAIMED SUBJECT MATTER

The claimed invention is directed toward displaying a graphical image and at least one active area including an attribute at a touch sensitive user interface using a displaying software program, the attribute including at least one of a scrolling operator, a toolbar icon and a hyperlink and excluding any of the at least one active areas, that currently displays the graphical image, and comparing a received input to a stored command character that is associated with the separate computer command and executing the separate computer command only if the received input matches the stored command character, wherein a separate computer command is to display a submenu at the touch sensitive user interface, said submenu comprising a plurality of shortcut links each to a different executable command. Independent claims relate to an electronic device for displaying a graphical image and at least one active area including an attribute at a touch sensitive user interface (claim 1); a method to operate a computer through a touch sensitive display interface including displaying a computer generated graphical image and at least one active area including an attribute at a touch sensitive display (claim 13); and a device including a touch sensitive display, a display software for displaying a graphical image and at least one active area including an attribute that is responsive to inputs (claims 21 and 28). Dependent claims detail specifics as to command operation (claims 3, 11, 15, and 20); different contiguous and continuous inputs (claims 4, 8-10, and 16); a received character input and wherein an input matches a stored command character (claims 5-6, 17, and 18); the improvement comprising rendering the entire touch sensitive user interface as inactive to the display program until the input is terminated (claims 7 and 19); and as to the displaying software program embodied to receive an input from a mouse (claims 11 and 20).

As described in the background section of the application, certain portable electronic devices are made to converge multiple functions previously handled by separate devices and this convergence across what were once disparate platforms, drives a need for improvements in the user interface (para. [0006]). An object of the invention is to provide a technique to better enable a user to transition from a display of a graphical image to another computer program (para. [0007]). Specifically, for any given graphical image that is displayed, a touch screen accepts inputs which are within an active area location on the screen and which the nature of the input pattern sufficiently matches a character stored in memory (paragraph [0032]). The conditions of the input that are considered include touchdown or liftoff point relative to the character and a particular region of the screen, as well as a specific direction associated with a formation of the character (para. [0036]). A determination is made whether or not to execute a command in response to a touch-screen input based at least in part on these conditions and the character match corresponding to the shape of the input (para. [0032]). Each of the characters stored in memory correspond to a computer command such as a command to display a submenu (para. [0036]). For example, an input circle character may be associated with a command to display a submenu of shortcut icons and each icon may be a shortcut to execute a specific application. In this example the circle character is recognized and compared to command characters stored in memory, each command character being associated with a computer instruction or a command. Once a command character is matched by the character input, the command associated with the command character matched is executed (para. [0038]).

Specific to the claims, the elements of claim 1 are detailed as follows:

displaying a graphical image and at least one active area comprising an attribute at a touch sensitive user interface using a displaying software program, the attribute

comprising at least one of a scrolling operator, a toolbar icon and a hyperlink, and the electronic device further for storing a separate computer command apart from the displaying software program, the improvement comprising a computer program embodied in a computer readable medium comprising instructions to cause the electronic device to: (paragraphs [0028] and [0030]);

receive an input at a portion of the touch sensitive user interface, excluding any of the at least one active areas, that currently displays the graphical image (para. [0032]);

compare said received input to a stored command character that is associated with the separate computer command (paragraphs [0034]-[0036]); and

execute the separate computer command only if the received input matches the stored command character (paragraphs [0036]-[0038]);

wherein said separate computer command is to display a submenu at the touch sensitive user interface, said submenu comprising a plurality of shortcut links each to a different executable command (para. [0036]).

The executable commands of dependent claims 3, 11, 15, and 20 are described at paragraphs [0038] and [0040]); different contiguous and continuous inputs of dependent claims 4, 8-10, and 16 are detailed at paragraphs [0034]-[0036]; the input match of a stored command character of dependent claims 5-6, 17, and 18 is detailed at paragraphs [0036]-[0037]; the rendering the entire touch sensitive user interface as inactive to the display program until the input is terminated of claims 7 and 19 is described at paragraph [0031]; and the displaying software program embodied to receive an input from a mouse of claims 11 and 20 is detailed at paragraph [0040]. Each of these claims recite in plain language and need no further explanation of terms.

Independent method claim 13 is similar to device claim 1, but recites only actions performed to operate a computer through a touch sensitive display interface. Support for these claim 13 elements may be found at least in paragraphs [0032] and [0034]-[0038].

Independent device claim 21 recites features similar to claim 1.

Independent device claim 28 recites in means plus function format, and the various elements are supported and described as follows: a touch sensitive display means (12) as described in paragraph [0024]; embodied display software means for displaying a graphical image and at least one active area comprising an attribute (48) at said touch sensitive display means that is responsive to inputs at only the attribute of the at least one active area is described in paragraphs [0028]-[0029] and [0038]; and the attribute comprising at least one of a scrolling operator, a toolbar icon and a hyperlink when said graphical image is displayed (42a and 42b) is described in paragraph [0029]. Embodied separate computer command means, and embodied computer instruction means for receiving an input character at a portion of said touch sensitive display means, excluding any of the at least one active areas, that currently displays the graphical image (42a and 42b) and for comparing said input character to a stored command character that is associated with the separate computer command means and for causing the separate corresponding computer command means to be executed if said input character (52) matches said command character are described in paragraphs [0034]-[0036]. The separate computer command to display a submenu (48) at the touch sensitive user interface, said submenu comprising a plurality of shortcut links (48a-d) each to a different executable command is described in paragraph [0036] and illustrated in Figures 2A, 2B, 3A, and 3B.

(6) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Issue A. Claims 1, 3-11, 13, 15-21, and 28-29 stand rejected under 35 U.S.C. § 102(b) as anticipated by Zetts (U.S. Pat. No. 5,404,458).

Issue B. Claims 12 and 22 stand rejected under 35 U.S.C. § 103(a) as obvious over Zetts in view of Beatty (U.S. Pat. No. 5,537,608).

(7) ARGUMENT

In the arguments below, claims argued separately are deemed not to fall with other claims in the group.

Issue A. Obviousness of Claims 1-11, 13-21, and 27-30 by Zetts:

Claim 1: Independent device claim 1 recites in relevant part:

In an electronic device for displaying a graphical image and at least one active area comprising an attribute at a touch sensitive user interface using a displaying software program, the attribute comprising at least one of a scrolling operator, a toolbar icon and a hyperlink, [...] storing a separate computer command apart from the displaying software program, [...] the electronic device to:

receive an input at a portion of the touch sensitive user interface, excluding any of the at least one active areas, that currently displays the graphical image;

compare said received input to a stored command character that is associated with the separate computer command; and

execute the separate computer command only if the received input matches the stored command character;

wherein said separate computer command is to display a submenu at the touch sensitive user interface, said submenu comprising a plurality of shortcut links each to a different executable command.

The Appellants assert that Zetts fails to render obvious these claim elements.

Zetts discloses a method and apparatus for distinguishing between different types of input signals simulated by a pointing device (abstract). A first type is distinguished in that a pointing device (stylus) traced across a touch sensitive overlay and the stylus remains in contact with the overlay without moving for the duration of a predetermined 'timeout' period ("motion cessation" in the abstract). The Zetts device recognizes this timeout and enters a mouse emulation mode, such as recognizing the series of points over which the stylus did not move (points 12-35 of Fig. 3) as a 'file' command. (col. 6 lines 37-49). A second type is distinguished in that the stylus is "lifted off" of the overlay prior to expiration of the timeout period, which the Zetts device recognizes as a gesture or character command. After lift-off is detected, the Zetts device reads the gesture or stroke stored in a stroke buffer. (col. 6 lines 55-68). The distinction is concisely described at col. 7 lines 16-29. The stroke, which is recognized as one or the other type of input depending upon whether there is lift-off or motion cessation, is entered on a workspace area 102 of a window 100. The Appellants submit that without exception, Zetts is seen to use the first type of input (motion cessation of the stylus for the timeout period) to enter a mouse emulation mode, and the second type of input (stylus liftoff and stroke recognition) for executing a software utility, (see Fig. 4 blocks 128, 130 and 132 and related text at col. 7 line 40 to col. 8 line 6).

Zetts also discloses that within the window 100 there is an action bar 104 with a single menu item "Options" from which a pulldown menu can be made to appear if the user touches that menu item with the stylus (col. 6 lines 23-27 as cited in the final Office Action).

Claim 1 is rejected in view of what is characterized above as Zetts' second type of user input: gestures or strokes. In Zetts, if the character or stroke as entered by the lifted-off stylus and stored in the stroke buffer is recognized, the Zetts device in response invokes a software utility (col. 7 lines 40-47). Mouse emulation mode occurs only with the first type of user input in Zetts, motion cessation of the stylus for a timeout period without liftoff. Claim 1 recites "execute the separate computer command only if the received input matches the stored command character", and the final Office Action characterizes the gesture/stroke recognition of Zetts as reading on this claim element.

As an initial matter, the final Office Action appears to read Zetts as disclosing a mouse emulation mode for its gesture/stroke recognition aspects. This is not correct; Zetts discloses exactly the opposite. In every Zetts disclosure for mouse emulation, it is only from cessation of stylus motion for the duration of a timeout. For that type of input, the trace of the stylus across the touch overlay and the corresponding stroke in the stroke buffer is irrelevant; Zetts reads from the stroke buffer only after sensing stylus lift-off and dumps that buffer if there is a cessation timeout. The final Office Action notes that Zetts recognizes a series of points as a "file command". It is true that Zetts uses the term 'series of points' at col. 6 lines 44-48 with reference to the 'file' command in mouse emulation mode, but the immediately preceding sentence and Figure 3 prove that this particular 'series of points' are points 12-35 through which the user did not move the stylus. The actual, non-stationary movement of the stylus through spatially distinct points 1-12 of that same disclosure is irrelevant to the 'file' command because the timeout is recognized and so the gesture/stroke through points 1-12 is never recognized as a gesture/stroke. Thus the mouse emulation command is not the result of any gesture or stroke recognition. This is consistently true throughout Zetts.

Now consider where claim 1 recites specifics of that *separate computer command* that is executed only if there is a match between input and stored character. This element recites that the *separate computer command is to display a submenu at the touch sensitive user interface, said submenu comprising a plurality of shortcut links each to a different executable command*. If there is to be anticipation, then the Appellants assert that Zetts must disclose that a recognized gesture/stroke will cause such a submenu to be displayed. The Appellants contend that Zetts does not render obvious such a result and the final Office Action does not assert that it does.

Figure 3 of Zetts unequivocally displays the action bar menu in conjunction with Zetts' stylus/finger input as seen there, and at col. 6 lines 23-27 and explicitly referenced in the final office action, a pull-down menu appears in response to a user stylus or finger *touching down* at the action bar menu 104. By definition stipulated in claim 1, Zetts' action bar menu would then constitute an active area or attribute. An input there is necessarily part of the display program, and any command executed in response to touching the action bar menu 104 is not a separate command apart from the displaying software program as recited in claim 1. The Appellants submit that Zetts provides no instance where a received input at the action bar menu 104 is *matched* to a stored command character, for a mere touchdown represents a single point and a single point is incapable of being matched to a character; either the touchdown occurs at the requisite point or it does not. Zetts' input at the action bar menu 104 is dependent only on a point-position of an input on the workpad, because a touchdown is only a singular point.

In the Advisory Action the Examiner states:

“The applicant argued that the prior art does not teach ‘wherein said separate computer command is to display a submenu at the touch sensitive user interface, said submenu comprising a plurality of shortcut links each to a different executable command’. examiner disagrees with the applicant because Zetts teaches the mouse commands (action bar menu or options, Fig.3 (104)), said submenu comprising a plurality of shortcut links each to a different executable command (wherein the action bar menu or options (104) when touched with a pointing device by the user, a pulldown menu will appear to allow the user to select one of the plurality of available options or shortcut links (column 6, lines 23-27).”

The Applicants submit that the pulldown menu from the action bar 104 in Zetts is separate and independent of the gesture/stroke recognition; the pulldown menu is shown when the stylus touches the menu item and there is no gesture or stroke recognition in Zetts, and no series of points across the touch overlay or stored in the stroke buffer.

Additionally, claim 1 recites that the input that is compared to the stored command character is received at a portion of the touch sensitive interface that excludes ANY of the at least one active areas, where the active areas are recited in claim 1 explicitly as comprising an attribute that is one of a scrolling operator, a toolbar icon and a hyperlink. The Zetts action bar is a toolbar and the “Options” of Fig. 3, which results in the dropdown menu showing after being touched, is a toolbar icon. Therefore an input received there is explicitly excluded by claim 1 even prior to this amendment.

The Appellants submit that for at least these separate and distinct reasons, claim 1 as amended herein is seen to be allowable over the art.

Further, for at least these reasons, Zetts is not seen to disclose claims 4 and 17. Thus, claims 4 and 17 are seen to patentably distinguish over Zetts.

Claim 7 recites that the computer instructions render the entire touch sensitive user interface as inactive to the display program until the input is terminated. The rejection to this subject matter is not understood. If Zetts were to read on this feature, then it appears that entry of a user input that scribes mid-stroke across Zetts' action bar menu 104 (the "options" icon) would NOT cause the pull-down menu to appear. Zetts is vacant of such a teaching. Zetts explicitly details that no user entered command is recognized until either a timeout or completion of the gesture, and that touchdown on the "options" menu item will cause the pulldown menu to appear. A gesture that scribes over the "options" menu mid-stroke will then cause the pulldown menu to appear, because there is no disclosure of suspending sensitivity at the "options" menu item once a gesture is begun. Claims 7 and 19 address this potential problem that Zetts fails to recognize; from touchdown until the input is terminated, there are no active areas of the touch sensitive display.

Further, for the above reason, claims 7 and 19 are seen to patentably distinguish over Zetts.

The rejection of claims 11 and 20 rely on the claimed second mouse button being inherent in Zetts. The Applicants contests this assertion. No gesture command described in Zetts as within the mouse-emulating context is seen to be analogous to a command executed by

a second mouse button (e.g., displaying a sub-menu or pulldown menu). Zetts makes no mention of more than one mouse button; only a mouse-pointing device is mentioned. The AUI is seen as simply storing the stroke buffer in order to enable Zetts' timeout aspects. It is not clear that two-button mouse-pointing devices were so common as of the Zetts priority date (October 10, 1991) that a second mouse button would be inherent within a patent's bare disclosure of a mouse-pointing device. Claims 11 and 20 are seen to be non-obvious over the actual disclosure and reasonable inherencies and/or obvious extensions of Zetts.

Issue B. Obviousness of Claims 12 and 22 over Zetts and Beatty:

Beatty is cited against claims 12 and 22 (mobile station) for its teachings relevant to a portable personal communicator, and is not seen to cure any of the above deficiencies of Zetts vis a vis the above-cited claims.

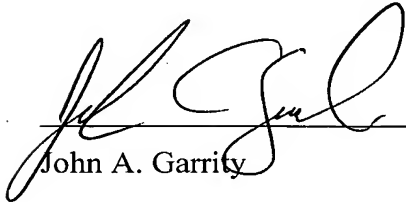
Even apart from Beatty, it is not obvious to modify Zetts so that a gesture is recognized as a command to display a pulldown menu, because Zetts already includes a pulldown menu by the action bar that requires a single touchdown of the stylus. This avoids complications for mis-recognized gestures/strokes, and no motivation is seen in the prior art by which one of ordinary skill would seek to make such a modification to Zetts.

Pursuant to 35 USC 41.37, a CLAIMS APPENDIX, EVIDENCE APPENDIX, and RELATED PROCEEDINGS APPENDIX follow the certificate of mailing below.

For at least the above reasons, the Appellants contend that the Zetts reference, alone or in combination with Beatty, do not anticipate or render obvious any of the claims argued

above. The Appellants respectfully requests the Board reverse the final rejection in the Office Action of August 27, 2007, and further that the Board rule that the pending claims are patentable over the cited art.

Respectfully submitted:



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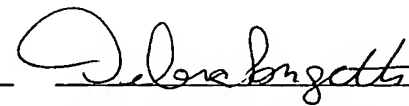
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(8) CLAIMS APPENDIX

1. (Previously Presented) In an electronic device for displaying a graphical image and at least one active area comprising an attribute at a touch sensitive user interface using a displaying software program, the attribute comprising at least one of a scrolling operator, a toolbar icon and a hyperlink, and the electronic device further for storing a separate computer command apart from the displaying software program, the improvement comprising a computer program embodied in a computer readable medium comprising instructions to cause the electronic device to:

receive an input at a portion of the touch sensitive user interface, excluding any of the at least one active areas, that currently displays the graphical image;

compare said received input to a stored command character that is associated with the separate computer command; and

execute the separate computer command only if the received input matches the stored command character;

wherein said separate computer command is to display a submenu at the touch sensitive user interface, said submenu comprising a plurality of shortcut links each to a different executable command.

2. (Canceled)

3. (Previously Presented) The electronic device of claim 1 wherein each of said executable commands are commands that operate on said graphical image.

4.(Original) The electronic device of claim 1 wherein the input comprises a touchdown point and a series of substantially contiguous and continuous input points along said touch sensitive user interface that defines a character input.

5. (Original) The electronic device of claim 4 wherein comparing said received character input to a stored command character comprises comparing a shape and a position of a touchdown point relative to said shape of the received character input to a shape and initial point of said command character, and wherein the character input matches the stored

command character when said shapes match and the position of the touchdown point relative to the shape matches said initial point.

6.(Original) The electronic device of claim 4 wherein comparing said received character input to a stored command character comprises comparing a shape and a direction of substantially contiguous and continuous input points of the received character input to a shape of said command character and a direction of formation associated with said command character, and wherein the character input matches the stored command character when said shapes match and the direction of substantially contiguous and continuous input points matches the direction of formation associated with the command character.

7.(Previously Presented) The electronic device of claim 4 wherein, in response to receiving the touchdown point at the portion of the touch sensitive user interface, the improvement further comprises computer instructions for rendering the entire touch sensitive user interface as inactive to the display program until the input is terminated.

8.(Original) The electronic device of claim 7 wherein the input is terminated at least when the series of contiguous and continuous input points ceases to be continuous for a minimum threshold of time.

9.(Original) The electronic device of claim 7 wherein the input is terminated at least when the series of contiguous and continuous input points ceases to move among distinct contiguous portions of the touch sensitive user interface for a minimum threshold of time.

10.(Original) The electronic device of claim 7 wherein the input is terminated at least when the series of contiguous and continuous input points match the stored command character.

11.(Original) The electronic device of claim 1 wherein the separate computer command is a computer command executed by a second mouse button when said displaying software program is embodied to receive an input from a mouse having a first and second button.

12.(Original) The electronic device of claim 1 wherein the device comprises a mobile station.

13. (Previously Presented) A method to operate a computer through a touch sensitive display interface comprising:

displaying a computer generated graphical image and at least one active area comprising an attribute on a touch sensitive display using a displaying software program, the attribute comprising at least one of a scrolling operator, a toolbar icon and a hyperlink, said displaying software program being responsive to inputs at only a first active portion of the touch sensitive display when said graphical image is displayed, and non-responsive to a second inactive portion of the display;

receiving an input character at the second inactive portion of said touch sensitive display;

comparing said input character to a stored command character that is associated with a separate corresponding computer command; and

executing the separate corresponding computer command if said input character matches said command character;

wherein said separate corresponding computer command is to display a submenu at the touch sensitive display, said submenu comprising a plurality of shortcut links each to a different executable command.

14. (Canceled)

15. (Previously Presented) The method of claim 13 wherein each of said executable commands is a command that operates on said computer generated graphical image.

16.(Original) The method of claim 13 wherein the input character comprises a touchdown point and a series of substantially contiguous and continuous input points along said touch sensitive user interface.

17.(Original) The method of claim 16 wherein comparing said input character to a stored command character comprises comparing a shape and a position of a touchdown point relative to said shape of the character input to a shape and initial point of said command

character, and wherein the input character matches the stored command character when said shapes match and the position of the touchdown point relative to the shape matches said initial point.

18.(Original) The method of claim 16 wherein comparing said input character to a stored command character comprises comparing a shape and a direction of substantially contiguous and continuous input points of the received character input to a shape of said command character and a direction of formation associated with said command character, and wherein the input character matches the stored command character when said shapes match and the direction of substantially contiguous and continuous input points matches the direction of formation associated with the command character.

19.(Previously Presented) The method of claim 16 wherein, in response to receiving the touchdown point at the portion of the touch sensitive user interface, the improvement further comprises computer instructions for rendering the entire touch sensitive user interface as inactive to the display program until the input character is terminated.

20.(Original) The method of claim 13 wherein the separate corresponding computer command is a computer command executed by a second mouse button when said displaying software program is embodied to receive an input from a mouse having a first and second button.

21. (Previously Presented) A device comprising:

- a touch sensitive display;

- a display software program embodied on a computer readable medium for displaying a graphical image and at least one active area comprising an attribute at said touch sensitive display that is responsive to inputs at only the attribute of the at least one active area, the attribute comprising at least one of a scrolling operator, a toolbar icon and a hyperlink when said graphical image is displayed;

- a separate computer command embodied on a computer readable medium; and

- computer instructions embodied on a computer readable medium for receiving an input character at a portion of said touch sensitive display, excluding any of the at least one active areas, that currently displays the graphical image; for comparing said input

character to a stored command character that is associated with the separate computer command; and for causing the separate corresponding computer command to be executed if said input character matches said command character;

wherein said separate computer command is to display a submenu at the touch sensitive user interface, said submenu comprising a plurality of shortcut links each to a different executable command.

22. (Previously Presented) The device of claim 21 wherein the device comprises a mobile station.

23-27. (Cancelled)

28. (Previously Presented) A portable electronic device comprising:

touch sensitive display means;

embodied display software means for displaying a graphical image and at least one active area comprising an attribute at said touch sensitive display means that is responsive to inputs at only the attribute of the at least one active area, the attribute comprising at least one of a scrolling operator, a toolbar icon and a hyperlink when said graphical image is displayed;

embodied separate computer command means; and

embodied computer instruction means for receiving an input character at a portion of said touch sensitive display means, excluding any of the at least one active areas, that currently displays the graphical image; for comparing said input character to a stored command character that is associated with the separate computer command means; and for causing the separate corresponding computer command means to be executed if said input character matches said command character;

wherein said separate computer command is to display a submenu at the touch sensitive user interface, said submenu comprising a plurality of shortcut links each to a different executable command.

29. (Previously Presented) The portable electronic device of claim 28 wherein:

the touch sensitive display means comprises a touch sensitive display;

the embodied display software means comprises a display software program embodied on a computer readable medium;

the embodied separate computer command means comprises a computer command separate from the display software means embodied on a computer readable medium; and

the embodied computer instruction means comprises computer instructions embodied on a computer readable medium for receiving the input character at the portion of the touch sensitive display.

30. (Canceled)

END OF CLAIMS

(9) EVIDENCE APPENDIX

Attached please find copies of Zetts, and the Beatty reference relied upon by the Examiner in the final rejection.

(10) RELATED PROCEEDINGS APPENDIX

Section (2) above recites that there are no related proceedings, so this appendix is intentionally left blank.